



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,580	10/20/1999	KIM C. SMITH	98-0865	4351

24333 7590 01/31/2002

GATEWAY, INC.
ATTN: KENNETH J. COOL
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY, SD 57049

EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,580

Applicant(s)

KIM C. SMITH

Examiner

Mylinh T Tran

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2173

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al. [US. 5,724,492] in view of Yeh et al. [US. 6,329,978].

As to claims 1, 14, 27 and 40, Matthews, III et al. discloses at least two selectable targets displayed on at least a portion of said display (Matthews cites...computer system displays informational and control objects consisting of multiple panels that facilitate browsing...see abstract and figure 6, column 15, lines 15-46); and said at least two selectable targets capable of being displayed in a simulated rotation about an axis while remaining continuously selectable during said simulated rotation (Matthews cites...the user can spin or rotate the three-dimensional object to reveal other menu panels. As each panel is revealed. The three-dimensional object is animated to show the spinning of the menu structure...see the abstract and column 15, lines 47 through column 16, lines 15). The difference between the claim and Matthews, III et al. is a display, a cursor capable of being displayed on said display; a cursor control device capable of controlling said cursor's position and movement on said display. Yeh et al. teaches the display and the cursor (column 2, lines 43-67). Yeh et al. also teaches a cursor control device capable of controlling said cursor's position and movement on said display. (Yeh et al. cites the movement of the input device may detected, therefore, by

the dedicated two axial mouse input device. The mouse may move in a very small range...see abstract and column 3, lines 17-57). It would have been obvious to one of ordinary skill in the art, having the teachings of Matthews, III et al. and Yeh et al. before them at the time the invention was made to modify selectable targets taught by Matthews et al. to include the cursor control device of Yeh et al., because of providing in order to provide a novel cursor control device in which a dedicated two axial mouse moves within a very small range so to generate a positioning effect of absolute coordinate as taught by Yeh et al.

As to claims 2, 15, 28 and 41, Matthews et al. also discloses interface is capable of varying the displayed size of said targets during said simulated rotation about said axis (column 15, lines 15-35).

As to claims 3, 16, 29 and 42, Matthews et al. demonstrates targets are associated with a corresponding function capable of being performed in response to selection of said targets by a user via said cursor and said cursor control device (column 12, lines 10-38).

As to claims 4, 17, 30 and 43, Matthews et al. demonstrates interface is capable of displaying additional information, on at least a portion of said display, associated with a specific target when said cursor is positioned at least partially within said specific target's hotspot boundary (column 13, lines 3-23).

As to claims 5, 18, 31 and 44, Matthews et al. also demonstrates interface is capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display (column 1, lines 35-67).

As to claims 6, 19, 32 and 45, Matthews et al. teaches the interface is capable of displaying said simulated rotation of said targets about said axis in a simulated three dimensional presentation (column 20, lines 6-21).

As to claims 7, 20, 33 and 46, Matthews et al. also teaches the interface is capable of providing focus to a specific target in response to said cursor being positioned at least partially within said specific target's hotspot boundary (column 13, lines 3-44).

As to claims 8, 9, 21, 22, 34, 35, 47 and 49 Matthews et al. shows the cursor is capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor and the modification in the presentation of said cursor further comprises changing the shape of said cursor into a shape similar to a miniature version of the shape of said specific target. (column 1, lines 20-67).

As to claims 10, 23, 36 and 49, Matthews et al. also shows the targets are displayed as an animated sequence of movement (column 19, lines 2-16).

As to claims 11, 12, 24, 25, 37, 38, 50 and 51, Matthews et al. discloses each of said at least two selectable targets is presented as a polygonal shaped target and polygonal shaped target is capable of displaying content on each of its user-visible sides (figure 6 and column 15, lines 15-35).

As to claims 13, 26, 39 and 52, Matthews et al. also discloses the targets are capable of remaining visible as said targets travel in a simulated rotation about said axis (column 20, lines 6-21).

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238, may be used for formal After Final communications, (703) 746-7239 for Official

Art Unit: 2173

communications, or (703) 746-4395 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application/Control Number: 09/427,580

Page 5

Art Unit: 2173

Mylinh Tran

Art Unit 2173